

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MICHELLE SMITH, for S.L.I. III,) Case No.: 1:25-cv-0791 JLT HBK
Plaintiff,)
v.) ORDER ADOPTING IN FULL THE FINDINGS
COMMISSIONER OF SOCIAL SECURITY,) AND RECOMMENDATIONS, DISMISSING THE
Defendant.) CASE WITHOUT PREJUDICE, AND DIRECTING
) THE CLERK OF COURT TO CLOSE THIS CASE
) (Doc. 8)
)

Michelle Smith seeks to proceed with an action challenging the denial of Social Security benefits on behalf of her minor son, S.L.I., III. (Doc. 1.) The Court observed that Ms. Smith is unable to proceed *pro se* in this matter on behalf of her son and ordered Plaintiff to show cause why his claims should not be dismissed without prejudice. (Doc. 4.) The Court also informed Plaintiff that if counsel entered an appearance, the Court would vacate its order to show cause. (*Id.* at 2.)

After Plaintiff failed to respond to the order—or otherwise communicate with the Court—the magistrate judge found Plaintiff failed to prosecute the matter and failed to comply with the Court’s order. (Doc. 8 at 1, 3.) The magistrate judge found terminating sanctions are appropriate after considering the factors identified by the Ninth Circuit in *Henderson v. Duncan*, 779 F.2d 1421, 1423 (9th Cir. 1986). (*Id.* at 3-5.) The magistrate judge recommended the Court dismiss the action “without prejudice for Plaintiff’s failure to prosecute this case and/or obey a court order.” (*Id.* at 5.)

The Court served the Findings and Recommendations on Plaintiff and notified her that any

1 objections were due within 14 days. (Doc. 8 at 5.) The Court advised Plaintiff that the “failure to file
2 objections within the specified time may result in the waiver of rights on appeal.” (*Id.*, citing *Wilkerson*
3 *v. Wheeler*, 772 F.3d 834, 838-39 (9th Cir. 2014).) Plaintiff did not file objections, and the time to do
4 so has passed.

5 According to 28 U.S.C. § 636(b)(1), this Court performed a *de novo* review of this case.
6 Having carefully reviewed the matter, the Court concludes the Findings and Recommendations are
7 supported by the record and proper analysis. Thus, the Court **ORDERS**:

8 1. The Findings and Recommendations dated September 9, 2025 (Doc. 8) are **ADOPTED**
9 in full.
10 2. The action is **DISMISSED** without prejudice.
11 3. The Clerk of Court is directed to close this case.

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13 IT IS SO ORDERED.

14 Dated: September 26, 2025


15 UNITED STATES DISTRICT JUDGE

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